

**INITIAL STATEMENT OF REASONS  
TITLE 13 ARTICLE 4.7  
SCHOOLS FOR TRAFFIC VIOLATORS**

**SECTION 345.06 Traffic Violator School Instructors.  
AND  
SECTION 345.07 Traffic Violator School Examination Requirements.**

This Statement of Reasons addresses amendments to Section 345.06 and the adoption of Section 345.07 in Article 4.7, Chapter 1, Division 1, of Title 13 of the California Code of Regulations regarding traffic violator school instructor examinations.

The department has changed the traffic violator school instructor examination requirements, reducing the number of questions on the instructor examination and allowing the administration of the examination by traffic violator schools. This policy change will assist traffic violator schools by reducing the length of the instructor examinations and allowing the schools to administer the examinations.

The department proposes to amend Section 345.06 to amend the application for a traffic violator school instructor license to reflect the changes in the exam procedures. The department further proposes to adopt Section 345.07 to provide guidelines for a traffic violator school owner, operator or designated representative to administer the instructor examination to prospective instructors under their employment.

**Section 345.06 Traffic Violator School Instructors**

Section 345.06 delineates the requirements an instructor must follow in order to be in compliance with regulatory and statutory criteria for licensure.

Subsection 345.06(e)(1) is amended to clarify the total fee required with an Application for Traffic Violator School Instructor License. Current regulation language states \$30 as the application fee, while the form lists \$31. In addition to the \$30 application fee, an additional dollar is collected at the time of application to cover costs incurred by the department under the Welfare and Institution Code, Family Support Program enforcement.

The 1992 Welfare and Institutions Code requires the department to notify an applicant listed on the state's Department of Social Services list of individuals with a support order or judgment who are in noncompliance, of the intent to withhold issuance or renewal of a license. The notice is required to be made personally, or by certified mail. Additionally, the department receives inquiries from applicants regarding denial of licenses and receives list clearances from local district attorneys' offices.

The department cannot absorb the Family Support Program enforcement costs and collects a minimal charge \$1 for costs incurred. Amendment of Subsection 345.06(e)(1) does not introduce or increase a fee collected by the department. It codifies an existing practice required by statute since 1992.

Subsection 345.06(e)(2) introduces the Application for Traffic Violator School Instructor License, form OL 710 (Rev. 9/2004), required of applicants applying for a traffic violator school instructor license. The revision date on the form is being updated from 11/1991 to 9/2004 to reflect the most current version of the form. The information required on the application is specified in subsections (e)(2)(A) through (e)(2)(F).

Subsection 345.06(e)(2)(A) requires the applicant to indicate the type of application being submitted, whether the application is for an Original, Additional or Reinstatement license. This is necessary for applicants to distinguish the type of license being sought.

Existing Subsection 345.06(e)(2)(A) is renumbered to Subsection 345.06(e)(2)(B), and is amended to request the true full name of the applicant. This is necessary to ensure the identity of the applicant is accurately reflected in the department's records.

The applicant's daytime telephone number is repealed because the same information is required on another form the applicant is required to submit in conjunction with the OL 710. This is necessary in order to reduce the amount of repetitive information the applicant has to submit. If the applicant is submitting a request for an additional license, the applicant is required to list the current Traffic Violator School Instructor license number. This is necessary to facilitate the identification of the applicant's record on file with the department.

Existing Subsection 345.06(e)(2)(B) requests the applicant's driver license and expiration date and is being repealed because the same information is already required on another form the applicant is required to submit in conjunction with the OL 710. This is necessary in order to reduce the amount of repetitive information the applicant has to submit.

Existing Subsection 345.06(e)(2)(C) requests the applicant's physical description, including the color hair, color eyes, height, weight, birth date and sex of the applicant. This language is being repealed because this information is already required on another form the applicant is required to submit in conjunction with the OL 710. This is necessary in order to reduce the amount of repetitive information the applicant has to submit.

Existing Subsection 345.06(e)(2)(D) is renumbered to Subsection 345.06(e)(2)(C) and requires the name, mailing address and department issued license number of the Traffic Violator School that has committed to employ the applicant upon licensure. This is necessary in order to accurately identify the applicant and identify whether the applicant already has a license number on record.

Subsection 345.06(e)(2)(E) is repealed and new language is introduced. The existing language requires the applicant to sign a statement under penalty of perjury under the laws of the state of California, certifying that all the information contained within the application is true and correct. This language is being repealed because it has been moved to another section of the form. This is necessary for uniformity in the form format.

New Subsection 345.06(e)(2)(D) is proposed which requires an application for an Original or Reinstatement license to contain a certification by the owner, operator or

designated representative of the employing licensee that the licensee named in the application has been administered and successfully passed a written examination in accordance with Section 345.05 of Title 13 of the California Code of Regulations and Section 11206 of the California Vehicle Code. The statement must be dated and signed under penalty of perjury under the laws of California attesting that the information contained in the application is true and correct. This is necessary in order to ensure only persons authorized to sign the form will sign the form, and that the instructor's examination was administered to the applicant and that the applicant passed. Signing under penalty of perjury is necessary to ensure the person signing is aware of the legal ramifications when signing the form.

Existing Subsection 345.06(e)(2)(F) is being renumbered to Subsection 345.06(e)(2)(E). The subsection is amended to require a statement to be dated and signed by the owner or operator, under penalty of perjury under the laws of the State of California, certifying that the school intends to employ the applicant as an instructor when the applicant receives a temporary permit or is licensed by the department. The term designated representative is being repealed from existing language. The owner or operator must indicate the signature is that of the owner or operator. This is necessary because the designated representative may no longer certify future employment of the applicant.

Existing subsection 345.06(e)(3) is amended to add the phrase *of Title 13 of the California Code of Regulations* behind the referenced section number to clarify the section referenced is referring to the California Code of Regulations.

Existing Subsection 345.06(e)(5) is one of several requirements a traffic violator school instructor must complete as part of the application requirements. The subsection requires an applicant submit evidence from a field office that the written examination was successfully passed pursuant to Vehicle Section 11206(a)(2) within three attempts. The subsection is being repealed along with Subsections 345.06(e)(5)(A) through 345.06(e)(5)(C). These subsections are being repealed because the practice is no longer needed/has been discontinued and new requirements are proposed in Title 13, Section 345.07. The field office will no longer be required to administer the instructor examination or give evidence of the examination having passed because the traffic violator school will administer the examination.

Existing subsection 345.06(f) gives information regarding completed applications. An amendment is proposed to correct the word subsection by replacing the capitalized S with a lower case s.

### **Section 345.07. Traffic Violator School Instructor Examination Requirements**

Section 345.07 specifies the traffic violator school instructor examination requirements for a traffic violator school and its instructors.

Subsection 345.07(a) requires the traffic violator school instructor examination to be administered by the employing Traffic Violator School owner, operator or designated representative. The designated representative is described in Title 13, California Code of

Regulations, Section 345.54. This is necessary to allow a school to administer the examination and streamline the instructor licensing process.

Subsection 345.07(b) provides for the instructor examination to consist of 50 questions provided by the department. Previously the examination contained 100 questions. To pass the examination, the applicant must have 40 or more correct answers. Reducing the examination from 100 questions to 50 is necessary to mitigate the impact on the traffic violator school while maintaining an adequate number of questions to accurately test the applicant's knowledge of traffic safety related issues.

Subsection 345.07(c) provides an applicant who fails the examination the opportunity to review the written examination, with the examiner, after it has been corrected. This is necessary to allow the applicant and the examiner/traffic violator school to review the examination for errors and for the applicant to be knowledgeable of the areas that may require further review and study. Another examination may be administered the same day or on another day. This is necessary to inform the applicant that another examination may be taken.

Subsection 345.07(d) requires the Traffic Violator School owner, operator or designated representative to retain the examination in its records for 3 years. This is necessary to ensure that examination records are properly maintained for auditing purposes and provides consistency with established record retention requirements.

Subsection 345.07(e) requires the Traffic Violator School owner, operator or designated representative to take steps to secure the examination questions and not allow the questions to be copied or otherwise reproduced in any manner, except as necessary to administer the exam. This is necessary in order to ensure integrity of the examination.

Subsection 345.07(f) requires the examination questions be used exclusively by the Traffic Violator School and not to be distributed or shared with any other entity. This is necessary to ensure integrity of the examination.